



**STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF MENTAL RETARDATION SERVICES
ANDREW JACKSON BUILDING, 15TH FLOOR
500 DEADRICK STREET
NASHVILLE, TENNESSEE 37243**

April 1, 2003

MEMO:

TO: Provider Agencies who contract with the Division of Mental Retardation Services to serve/support persons with disabilities.

FROM: Richard E. Kellogg, Deputy Commissioner

RE: Handling and Disclosure of Protected Health Information (PHI)

With this memo is a four page document telling how the Division of Mental Retardation Services plans to keep and disclose protected health information of those persons receiving services/supports. You as an agency and covered entity will need to have your own privacy statement.

In the near future DMRS will be asking provider agencies to sign a Business Associate Agreement that will insure both agencies and DMRS will follow the guidelines in the Federal Law, Health Insurance Portability and Accountability Act (HIPAA). This law does not intend to impede services/supports for persons with disabilities and the sharing of information that is needed.

The Division of Mental Retardation Services is presently going through an assessment to find out other actions that need to take place to comply with the HIPAA requirements. There may be other information shared with agencies after this assessment is complete. Please continue to refer to your own legal counsel for answers regarding this law.